

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HOME REPAIR, LLC A/A/O MARSEL KUKA,

Plaintiff,

v.

HOMESITE INSURANCE COMPANY OF THE
MIDWEST,

Defendant.

Civil Action No. 22-04196 (SDW)(ESK)

WHEREAS OPINION

August 4, 2022

WIGENTON, District Judge.

THIS MATTER having come before this Court upon Plaintiff Home Repair, LLC A/A/O Marsel Kuka's ("Plaintiff") Motion to Remand this action to the Superior Court of New Jersey, Law Division, Bergen County pursuant to 28 U.S.C. §§ 1332, 1367, 1441, 1446, and 1453 (D.E. 2); and

WHEREAS on June 23, 2022, Defendant Homesite Insurance Company of the Midwest ("Defendant") filed a Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1367, 1441, 1446, and 1453 (D.E. 1), seeking removal of the action bearing caption *Home Repair, LLC A/A/O Marsel Kuka v. Homesite Insurance Company of the Midwest*, Docket No. BER-L-002400-22 from the Superior Court of New Jersey, Law Division, Bergen County to the United States District Court for the District of New Jersey; and

WHEREAS Defendant moved to remand this action to the Superior Court of New Jersey, Law Division, Bergen County (D.E. 2);

WHEREAS Defendant failed to timely submit an Opposition Brief to Plaintiff's Motion to Remand; and

WHEREAS on July 27, 2022, Magistrate Judge Edward S. Kiel entered an Order stating, in pertinent part, that:

The July 5, 2022 deadline for defendant to file an opposition to plaintiff's motion to remand (Motion) (ECF No. 2) has elapsed. *See* L. Civ. R. 78.1(a). Accordingly, by August 3, 2022, defendant is directed to file either: (a) an opposition to the Motion; or (b) a proposed consent order with plaintiff to remand this action that is suitable for signature by District Judge Wigenton. If no such filing is received, the Motion will be considered unopposed.

(D.E. 6.)

WHEREAS Defendant submitted neither a timely Opposition Brief to Plaintiff's Motion to Remand nor a proposed consent order with Plaintiff to remand this action pursuant to the Court's July 27, 2022 Order. As a result, Plaintiff's Motion to Remand is deemed unopposed; and

Accordingly, for the reasons set forth above, Plaintiff's Motion to Remand (D.E. 2) is **GRANTED**. This action is hereby remanded to the Superior Court of New Jersey, Law Division, Bergen County. An appropriate order follows.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
cc: Edward S. Kiel, U.S.M.J.
Parties